

HB 931 -- Alcohol-Related Traffic Offenses

Sponsor: Jones (50)

This bill changes the laws regarding alcohol-related traffic offenses. In its main provisions, the bill:

(1) Requires the court to order the Director of the Department of Revenue to issue a license to a person who is otherwise qualified and has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition or who has been convicted twice within a five-year period of driving while intoxicated or any other intoxication-related traffic offense, if the court finds that he or she has not been convicted, pled guilty to, or been found guilty of, and has no charges pending for any offense related to alcohol, controlled substances, or drugs, has no other alcohol-related enforcement contacts during the preceding five years, and his or her habits and conduct show he or she no longer poses a threat to public safety (Section 302.060, RSMo);

(2) Specifies that an operator must be given the option to complete a driver-improvement program through an online or in-person course to stay the assessment of points against a license (Sections 302.302 and 476.385);

(3) Allows a person whose license is to be suspended for a first offense of driving while intoxicated or driving with excessive blood alcohol content to complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the department that all vehicles operated by the person have a functioning, certified ignition interlock device. If the person fails to maintain proof of the device, the restricted driving privilege will be terminated. Upon completion of the 90-day period of restricted driving privilege, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. However, if the monthly monitoring reports during the 90-day period indicate that the ignition interlock device has registered a confirmed BAC level above the alcohol setpoint or the reports indicate the device has been tampered with or circumvented, then the license will not be reinstated until the person completes an additional 30-day period of restricted driving privilege without any violations. Only one additional 30-day period of restricted driving privilege may be granted (Section 302.304);

(4) Repeals the provision that makes a person ineligible to receive a limited driving privilege if at the time of application, he or she has previously been granted the privilege within the

immediately preceding five years or his or her license has been suspended or revoked for the first time offense of failure to submit to a chemical test if the person has not completed the first 90 days of the revocation. The bill specifies that a person who has failed to submit to a chemical test is ineligible to receive a limited driving privilege unless the person files proof of installation with the department that any vehicle operated by him or her is equipped with a functioning, certified ignition interlock device immediately upon his or her license revocation (Section 302.309);

(5) Repeals the provisions permitting a circuit court or the department to allow a person who has been convicted more than twice for driving while intoxicated and has had his or her license revoked for a period of 10 years without the ability to obtain a new license for a person who has been convicted twice for driving while intoxicated and has had his or her license for a period of five years to apply for a limited driving privilege if he or she has served at least 45 days of the disqualification or revocation (Section 302.309);

(6) Requires a circuit court to grant a limited driving privilege to a person who otherwise is eligible, has filed proof of installation of a certified ignition interlock device, and has no alcohol-related enforcement contacts since the contact that resulted in his or her license suspension or revocation (Section 302.309);

(7) Allows a person whose driving record shows no prior alcohol related enforcement contacts in the immediately preceding five years to complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the department that all vehicles operated by the person have a functioning, certified ignition interlock device. Upon completion of the restricted driving period, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. However, if the monthly monitoring reports during such 90-day period indicate that the ignition interlock device has registered a confirmed BAC level above the alcohol setpoint or that the device has been tampered with or circumvented, then the license cannot be reinstated until he or she completes an additional 30-day period of restricted driving privilege without any violations. Only one additional 30-day period of restricted driving privilege may be granted (Section 302.525); and

(8) Specifies that if a person under arrest or who has been stopped upon suspicion of driving while intoxicated refuses to submit to a chemical test upon the request of a law enforcement

officer, his or her license must be subject to a period of restricted driving privilege or immediately revoked. The bill allows a person whose driving records shows no prior refusals to complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the department that all vehicles operated by the person is equipped with a functioning, certified ignition interlock device. Upon completion of the restricted driving period, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. However, if the monthly monitoring reports during the 90-day period indicate that the device has registered a confirmed BAC level above the alcohol setpoint or indicate that the device has been tampered with or circumvented, the license cannot be reinstated until the person completes an additional 30-day period of restricted driving privilege without any violations. Only one such additional 30-day period may be granted. If he or she fails to maintain proof of the device with the department, the privilege will be terminated. Currently, any refusal leads to a license revocation (Section 577.041).

The bill's provisions become effective on July 1, 2013.